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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,615	09/10/2003	Gerald Joseph McCarty	6112.102US	5570
7590 12/01/2004				
Lawrence R. Oremland, P.C. Suite C-214 5055 East Broadway Blvd. Tucson, AZ 85711		EXAMINER GREEN, CHRISTY MARIE		
		ART UNIT 3635 PAPER NUMBER		

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/659,615

Applicant(s)

MCCARTY, GERALD JOSEPH

Examiner

Christy M Green

Art Unit

3635

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/10/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Continuation Sheet

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Continuation of Attachment(s) 6). Other: Exhibit A: attached figures (3).

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**DETAILED ACTION**

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This is a first office action for serial number 10/659615, entitled Dome kit, structure and method, filed on September 10, 2003.

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of components and hardware components of claim 1; the lower ring sections of claim 2; and, the rib support members of claim 4; must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will

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~~be notified and informed of any required corrective action in the next Office action.~~ The objection to the drawings will not be held in abeyance.

The applicant is advised to review the claims and assure that all of the limitations are shown within the drawings, and the claim terminology coincide with the drawings and disclosure. Until further clarification is made in regards to the above limitations, the examiner will interpret them accordingly.

#### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: within claim 1, the plurality of components is unclear, is this supposed to be the splice assembly, the adjoining gusset, or another part of the invention? The hardware components of claim 1, are unclear as well, is this supposed to be the steel bolts, nuts, washers, splice plate or another part of the invention? The lower ring sections of claim 2, and the rib support members of claim 4 is unclear as to what exactly they are supposed to be.

#### ***Claim Objections***

Claims 3, 4 and 10 are objected to because of the following informalities: both of claims 3 and 4 have the claim limitation, "can be", it is considered to be unclear terminology in terms of whether or not the limitations following the phrase are actually part of the invention or not. In regards to claim 10, it has been held that to be entitled to weight in method claims, the recited structural limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular

~~structure. Appropriate correction is required. Until then, the examiner interprets the~~  
claims accordingly.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 4 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the components" in line 1. There is insufficient antecedent basis for this limitation in the claim. It is unclear if these components are the hardware components, or the plurality of components, and since those are not clearly defined, the examiner will interpret them to the best of her ability.

Claim 4 recites the limitation "the ring sections" in line 2. There is insufficient antecedent basis for this limitation in the claim. It is unclear if these ring sections are the lower ring sections, ring sections of the compression ring, inner ring or outer ring, and since those are not clearly defined, the examiner will interpret them to the best of her ability.

Regarding claim 8, the phrase "and/or" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and/or"); thereby rendering the scope of the claim(s) unascertainable.

***Claim Rejections - 35 USC § 102***

~~The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that~~  
form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by DeGarie, US Patent # 6,324,792.

DeGarie discloses the claimed invention a kit for use in forming a dome structure, comprising a compression ring (64 – column 5, lines 45-46), a plurality of components (76 – figure 4) that are configured to be assembled into a lower ring (32) that is larger than the compression ring (64 – figure 9) and configured to be located below and in spaced relation to the compression ring (figure 10), a plurality of ribs (66, 60) that are configured to be connected with and to extend between the lower ring (32) and the compression ring (64), the ribs each having a predetermined shape such that when connected with and extending between the lower ring and the compression ring, provide a structural system with a dome shaped appearance (figure 10), and hardware components (68, 72, 74); the components (76) configured to be assembled into a lower ring (32) comprise lower ring sections (where 32 points to in figure 1), each of which includes inner (attached figure 2) and outer ring parts (at 46) joined together at predetermined locations, and splice components (68); the compression ring includes rib mounting flanges (attached figure 2) at predetermined locations on the compression ring; a plurality of rib support members (attached figures 2 and 3) are fixed to the ring sections (64 or 32 via 76 or 68) at predetermined locations; the rib support members

(attached figures 2 and 3) comprise angle members fixed to portions of the lower ring sections (via 60 and 62); a method of forming a dome shaped structural system, comprising the steps of a. providing a compression ring (64), b. providing a lower ring (32) with a larger but similar shape to the compression ring (64 – figure 9), c. providing a plurality of ribs (66, 60), d. positioning the compression ring (64) in relation to the lower ring (32 – column 5, lines 44-46), e. connecting the ribs (66, 60) with the lower ring (32) and the compression ring (64) to form a dome shaped structural system (figure 10).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeGarie in view of Peter, US Patent # 4,357,782.

DeGarie discloses the claimed invention as stated above in claim 1, except for the compression ring and ring sections are formed of metal, and the ribs are formed of wood. Although DeGarie does not state that his frame work is of metal, it appears to be of some kind of metal material by the drawings. Peter teaches that it is known in the art to provide sheet metal steel profiles and a compression dome with steel anchors and wood ribs (column 1, lines 39-40, column 2, lines 27, 51-53, 58-59). It would have been obvious to one having ordinary skill in the art at the time the invention was made to



~~provide the metal profiles and wood ribs of the compression dome as taught by Peter~~  
with the dome structure of DeGaris in order to provide a roof form and reinforcement  
ribs with wood and timber elements which are tension resistant and compression  
resistant (column 1, lines 52-56).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Christy M Green whose telephone number is 703-308-  
9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for  
the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the  
Patent Application Information Retrieval (PAIR) system. Status information for  
published applications may be obtained from either Private PAIR or Public PAIR.  
Status information for unpublished applications is available through Private PAIR only.  
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should  
you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

  
Cg

November 29, 2004



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600

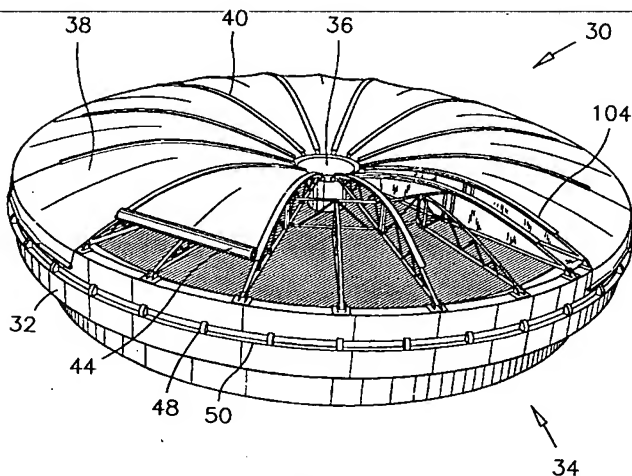


FIG. 1

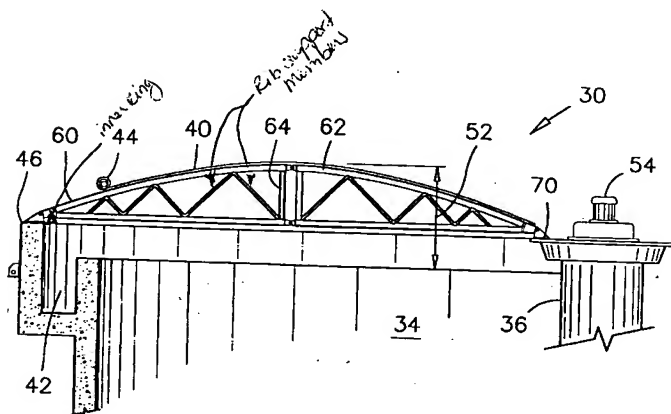


FIG. 2

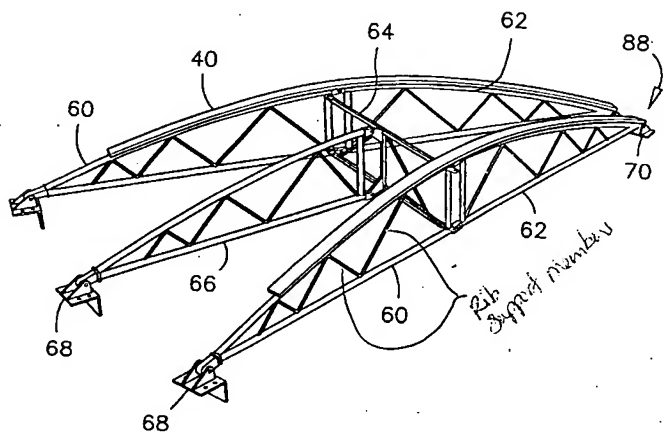


FIG. 3

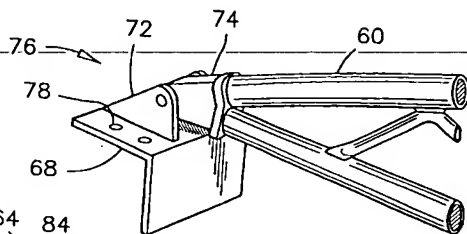


FIG. 4

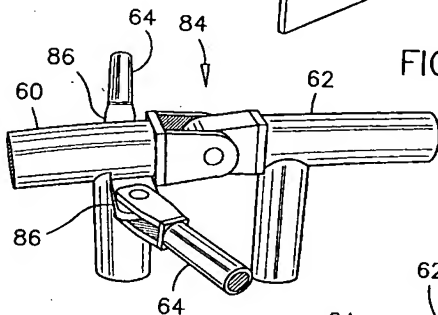


FIG. 5

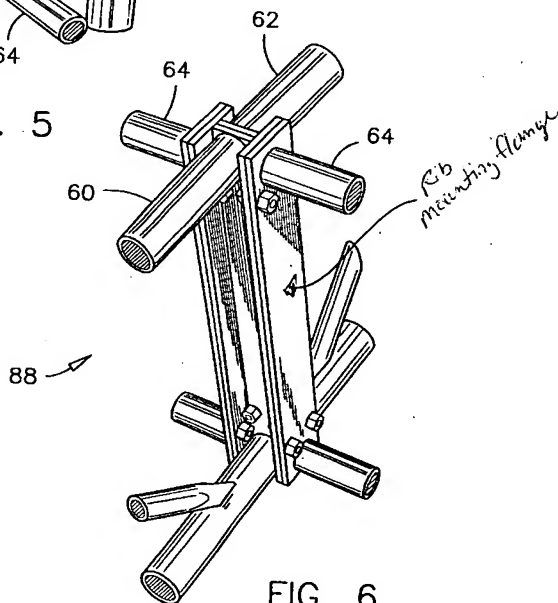


FIG. 6